

TO: BOARD OF APPEALS

Ryan Nesbitt

54 Point View Road

Orrs Island

MAP 37 LOT 71

Address: 454 Long Point Road

Permit # 19-051 Dated: 04/08/2019

It is opinion of the Town Code Office that the Boathouse is in Violation of local and state code as well as the terms of the original permit.

The following are the violation issues for the above property.

The owner does not and cannot live at 454 Long Point Road full time since it is a seasonal dwelling. The owner is renting out the single residential house and the accessory building, i.e. Boathouse.

Violation Issues:

I.) Shoreland Zoning: Land Use

- a. The Town of Harpswell Basic Land Use Ordinance, amended March 15, 1997, requires a minimum lot size of 40,000 square feet per dwelling. The above referenced property is .5 acres, approximately 21,780 square feet, which is short 58,220 square feet of the requirement for two dwellings.

II.) Permit application see attached 4/8/2019 #19-051

Stated on permit in **Conditions of Approval**: Accessory Structures NOT to be **Occupied** as dwelling. Certificate of Occupancy was issued 2/4/2020, for new **SEASONAL SINGLE FAMILY DWELLING** (not multiple dwellings).

III.) **IRC 2015 Definitions** Chapter 2 Page 16, **DWELLING**:

Any building that contains one or two dwelling units, used intended, or designed to be built, used, rented, leased, or hired out to be occupied, or that are occupied for living purposes.

**Town of Harpswell Ordinance**

**Dwelling** – A residential structure containing one or more dwelling units, including single-unit, two (2) unit, and multi-unit residential uses, and manufactured housing but not recreational vehicles.

**Dwelling Unit** – a room or group of rooms designed and equipped for use as a separate living space by a household containing cooking, sleeping and toilet facilities with free and open circulation between these areas by members of the household. A dwelling unit is intended for occupancy by one household living independently in which the members of the household share the use of common areas and have regular interaction in the course of their day-to-day activities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented but not recreational vehicles.

### **Subsurface Wastewater Disposal Rules, DWELLING:**

Any structure or portion of a structure, permanent or temporary in nature, or proposed to be used as a residence seasonally or throughout the year.

IV.) State requires a **dwelling unit** to have a 2 bedroom=180 GPD rating minimum for a septic system design.

Again this is why the Code Office did not and never intended this to be used as a dwelling, if so the septic system would have needed to be rated for a 4 bedroom, not the 3 bedroom it was permitted for.

#### **IV.) Safety Code 26.3.5.1 BEDROOM:**

All sleeping rooms shall be separated from escape route corridors by smoke partitions in accordance with Section 8.4

(The above property has an open loft for sleeping area, see attached)

#### **VI.) Life Safety Code 26.3.5.5 BEDROOM:**

Doors shall be provided with latches or other mechanism suitable for keeping doors closed.

(Above property has open loft for sleeping area, see attached)

#### **VII.) IRC 2015 R311.7.1, R311.7.5.1, R311.7.5.2 STAIRWAYS:**

Stairways shall be not less than 36 inches in clear width. The riser height shall not be more than 7 ¾ inches, The tread minimum shall not be less than 10 inches.

(The above property has a narrow ships ladder to loft area, see attached)

#### **VIII.) IRC 2015 R311.7.12 SHIP LADDERS:**

Ships ladders shall **not** be used as an element of a means of egress. These provisions further clarify that a ship's ladder can only be used to access a space that does not require a means of egress. i.e. storage area

(Bedrooms must have two egresses, see attached)

#### **IX.) IRC 2003 IRC Definitions Kitchen:**

Kitchen shall mean an area used, or designated to be used, for the preparation of food. (photo Attached)





Town of Harpswell  
Code Enforcement Office  
Building Permit/Land Use Permit Application

Code Office  
APR 05 2019  
Received

Map 37 Lot(s) 71

BUILDING/LAND USE PERMIT

L6R06

4/8/19

(OFFICIAL)

#19-051

(DATE)

Conditions of Approval / Comments:

Accessory structure NOT to  
be occupied as dwelling etc

ALL STRUCTURES ARE  
SEASONAL ONLY!  
**FINAL  
INSPECTION**  
2-4-2020

Does not Apply TO Scale is  
SFHA Parcel 230169 00103 ARC

Impermeable Coverage: 7.4% etc  
Does not include Parking Area

COMPLETE APPLICATION IN ITS ENTIRETY

Permit Types(s) Requested:

☒ New Structure ☐ Addition ☐ Alteration ☐ Replacement ☐ Pier, Dock, Float, Wharf  
☐ Accessory Structure ☐ Earth Moving/Filling ☐ Other \_\_\_\_\_

Applicant Name:

RYAN NESBITT

Telephone Numbers:

Mailing Address: 711 DE SOTO DRIVE

Days: 207 254 9466

PALO ALTO, CA 94303

Nights: 207 254 9466

E-Mail Address: ryannesbitt@gmail.com

Owner Name:

ROBERT NESBITT

Telephone Numbers:

Mailing Address: 131 AUGUSTA DRIVE

Days: 830 353 2117

HONEY BROOK, PA 19344

Nights: "

E-Mail Address: nesbittrobert@gmail.com

Contractor Name:

LEE ECKER

Telephone Numbers:

Mailing Address: PO BOX 860

Days: 207 751 0721

BRUNSWICK, ME 04011

Nights: 207 751 0721

E-Mail Address: eckerlee2016@icloud.com

Location or Physical Address of Site: 0 LONG POINT

Estimated Cost

\$ 200,000

Proposed  
Property Line Setbacks

Front —  
Left 25ft  
Right 25ft  
Back —

Proposed  
Water Setbacks

Wetland —  
Tidal 75ft  
River —  
Stream —



Zoning District(s) Circle all that apply: Interior Shoreland Residential Shoreland Business  
Commercial Fishing I Commercial Fishing II Resource Protection

Special Flood Hazard Area: YES NO Zone \_\_\_\_\_ Elevation Above 100 year flood: YES NO

Existing Land Use(s) Circle all that apply: Residential Commercial Institutional

Proposed Land Use(s) Circle all that apply: Residential Commercial Institutional

**PROPOSED NEW CONSTRUCTION ACTIVITY:**

Structure Dimensions: L 34 W 10 #Stories 2 Garage s.f. 200  
Basement s.f. — 1<sup>st</sup> Story s.f. 350 2<sup>nd</sup> Story s.f. 400 Deck/Patio s.f. 220  
Structure Height: Present — Proposed 22' Other s.f. 260 (sleeper)  
Number of Bedrooms: Present — Proposed 2+1 (accessory) Shed s.f. —  
Total Impermeable Coverage\*: Present s.f. — % — Proposed s.f. 1480 % —

\*Include all non-vegetated land area: buildings, porches, sheds, driveways, parking areas, patios, etc.

(to be drilled)

Type of Water Supply: ☐ Dug Well ☒ Drilled Well ☐ Community Well Age \_\_\_\_\_ Depth \_\_\_\_\_ Gal/Min \_\_\_\_\_

Type of Septic System: ☒ Subsurface ☐ Holding Tank ☐ OBD ☐ Unknown \_\_\_\_\_ Year Installed \_\_\_\_\_ Permit # \_\_\_\_\_

(already permitted)

**Section 3. Project Description**

Describe your proposed activity. If applicable describe the type of building, length, width, height, number of stories, and proposed use. **Please include a floor plan.** Be thorough to avoid delays in review of your project.

New single family dwelling + accessory structure

**Section 4. Non-conforming Structures**

☒ Check here if not applicable

A. s.f. of portion of the structure which is less than the required setback \_\_\_\_\_

A. c.f. of portion of the structure which is less than the required setback \_\_\_\_\_

B. s.f. of previous expansions of portion of structure which is less than the required setback \_\_\_\_\_

B. c.f. of previous expansions of portion of structure which is less than the required setback \_\_\_\_\_

C. s.f. of proposed expansion of portion of structure which is less than the required setback \_\_\_\_\_

C. c.f. of proposed expansion of portion of structure which is less than the required setback \_\_\_\_\_

D. % increase of s.f. of actual and proposed expansions of the portion of the structure which is less than the required setback (% increase =  $\frac{B+C}{A} \times 100$ )

D. % increase of c.f. of actual and proposed expansions of the portion of the structure which is less than the required setback (% increase =  $\frac{B+C}{A} \times 100$ )

A

A

**Section 5. Modular and Mobile Homes**

☒ Check here if not applicable

Year Made \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Size \_\_\_\_\_

Serial Number \_\_\_\_\_ HUD Certification Number \_\_\_\_\_

Foundation Type & Size \_\_\_\_\_ Prestressed Concrete Pads Size \_\_\_\_\_

Gravel Pad \_\_\_\_\_ Other \_\_\_\_\_



# OWNER STATEMENT

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

I hereby certify that I understand that I MAY NOT start ANY part of my project without first receiving my permit and that if work is found to be started prior to receiving a permit, I will be subject to TRIPLE the normal cost of the permit.

Signature of Applicant \_\_\_\_\_ date 4/1/19

Signature of Owner (see authorization) date \_\_\_\_\_

Permit Fee: \$50.00+ \$ 444

Internal Plumbing Fee: \$ /

External Plumbing Fee: \$ /

Flood Hazard Fee: \$ /

Nonconforming Structure Fee: \$ /

Planning Board Fee (if applicable) \$ /

Amount Due: \$ 494

Date: 4/1/19

Fees: \$50.00 PLUS:

\$0.30 per square foot for structures 2000 ft<sup>2</sup> or smaller

\$0.40 per square foot for structures over 2000 ft<sup>2</sup>

\$75.00 additional if the structure is nonconforming

\$25.00 flat fee for new detached structures under 100ft<sup>2</sup> with no utilities

Annual Renewal: 50% of original permit upon showing of reasonable need for extension of time to commence

Additional fees may apply if Planning Board review is required

**Triple fee if project started prior to receiving a permit**

## Have You:

Completed all applicable sections of the application?

Supplied documentation of proper subsurface wastewater disposal?

Enclosed a clearly labeled floor plan if applicable?

Have you signed the application and plot plan?

Enclosed the fee?

Enclosed a side view drawing indicating the height from mean original grade?

Has the proposed structure been staked out?

Enclosed a Letter of Authorization if applicable?

## Inspections to be completed by Code Enforcement Officer

Map _____ Lot _____	Address: _____	
<u>Concrete Slab-on-Ground</u> Vapor Retarder, Construction	Date/CEO <u>8/27/19 W</u>	Date/CEO _____
<u>Decay &amp; Termite Protection</u> Decay & Termite	_____	_____
<u>Energy Efficiency</u> Insulation, R-Value, U-Factor, Fenestration	_____	<u>8/27/19 W</u>
<u>Floor &amp; Ceiling Framing</u> Spans, Bearings, Cutting, Notching, Headers, Support & Bridging	<u>8/27/19 W</u>	_____
<u>Footing Environment</u> Environment, Width & Thickness, Placement, Surface & Step	<u>7/2/19 W</u>	<u>8/27/19 W</u>
<u>Foundation</u> Construction, Thickness, Backfill Height, Radon, Drainage, Waterproofing, Radon System	<u>7/8/19 W</u>	<u>8/27/19 W</u>
<u>Interior &amp; Exterior Finish</u> Gypsum Board, Interior Paneling, Exterior Weather Resistant Siding	_____	
<u>Roof Covering</u> Shingle/Underlayment, Ventilation, Attic Access	_____	
<u>Roof Framing</u> Construction, Truss & Tie-Down	_____	
<u>Safety* for Final Inspection</u> Light & Ventilation, Glazing, Handrail, Smoke Alarm, Emergency Escape, <u>Radon Test*</u>	_____	
<u>Sheathing</u> Underlayment, Subfloor, Structural Panel Subfloor, Plywood Wall & Roof, Particleboard	_____	
<u>Wall Framing</u> Bearing Walls, Bracing, Fire-blocking, Headers, Cutting, Notching	_____	



# TOWN OF HARPSWELL



## BUILDING PERMIT

Code Enforcement Office

263 Mountain Road

PO Box 39

Harpswell ME 04079

(207) 833-5771 Fax (207) 833-0058

A CERTIFICATE OF OCCUPANCY  
MUST BE PROCURED BY OWNER  
BEFORE THIS BUILDING OR PART  
THEREOF IS OCCUPIED

<u>DATE</u>	<u>PERMIT #</u>	<u>MAP/LOT</u>	<u>STREET ADDRESS</u>
<u>4/8/2019</u>	<u>19-051</u>	<u>37/71</u>	<u>Long Point</u>

This certifies that Robert Nesbitt has permission to construct new single family dwelling & accessory structure PER APPROVED PLANS provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the statutes of Maine and of the Ordinances of the Town of Harpswell regulating the construction, maintenance, and use of buildings and structures, and of the Application on file with the Town of Harpswell.

The owner/applicant is responsible to read and understand all conditions/notes, if any noted on the approved application

Notification for inspection must be given and written permission procured before this building or part thereof is lathed or otherwise closed-in.

The owner/applicant has the burden of ensuring that the owner/applicant is measuring required setbacks from the legal boundary lines of the lot. The grant of this approval in no way relieves the owner/applicant of this burden. The Code Enforcement Office is not responsible for measuring setbacks or for ensuring that owner/applicant is correctly measuring required setbacks from the legal boundary lines of the lot. The approval holder would be well-advised to employ a Maine licensed land surveyor to ensure compliance with the setback requirements of the Town's land use ordinances.

Signed:

A handwritten signature in black ink, appearing to read "William Wells".

CEO/LPI


A handwritten signature in black ink, appearing to read "Robert Nesbitt".

CEO/LPI

DISPLAY THIS PERMIT ON PRINCIPAL FRONTAGE OF WORK

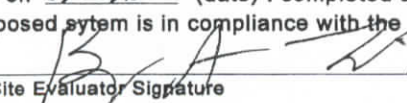
# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services  
Div. of Environmental Health - 11 SHS  
(207) 287-2070 FAX (207) 287-4172

PROPERTY LOCATION		>>CAUTION: LPI APPROVAL REQUIRED<<	
City, Town, or Plantation	HARPSWELL	Town/City <u>Harpswell</u>	Permit # <u>P19-48</u>
Street or Road	LONG POINT ROAD	Date Permit Issued <u>4/18/19</u>	Fee \$ <u>295.00</u> Double Fee Charged [ ]
Subdivision, Lot #		<u>26 RCD</u>	L.P.I.# <u>1205</u>
OWNER/APPLICANT INFORMATION		Local Plumbing Inspector Signature	
Name (last, first, MI)	<u>NESBIT RYAN</u>	Fee \$ <u>250.00</u> State Fee	Fee \$ <u>295.00</u> Locally Adopted Fee
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant	Copy: [ ] Owner <input checked="" type="checkbox"/> Town [ ] State	
Mailing Address of Owner/Applicant	<u>312 Gibbs Road</u> <u>Wiscasset, ME 05498</u>	The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Daytime Tel. #	<u>254-9466</u> // <u>ryannesbitt@gmail.com</u>	Municipal Tax Map # <u>37</u>	Lot # <u>71</u>
OWNER OR APPLICANT STATEMENT		CAUTION: INSPECTION REQUIRED	
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.		I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
 Signature of Owner/Applicant		<u>7/31/18</u> Date	
		<u>8/26/19 mm</u> (1st) Date Approved	
		Local Plumbing Inspector Signature (2nd) Date Approved	

PERMIT INFORMATION		
<b>TYPE OF APPLICATION</b> <input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type Replaced: _____ Year Installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<b>THIS APPLICATION REQUIRES</b> <input type="checkbox"/> 1.No Rule Variance <input checked="" type="checkbox"/> 2.First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input checked="" type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3.Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4.Minimum Lot Size Variance <input type="checkbox"/> 5.Seasonal Conversion Permit	<b>DISPOSAL SYSTEM COMPONENTS</b> <input checked="" type="checkbox"/> 1. Complete Non-Engineered System <input type="checkbox"/> 2. Primitive System(graywater & alt toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-Engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-Engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System(2000gpd+) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: <u>BIOBARRIER</u> <input type="checkbox"/> 12. Miscellaneous components <u>MBR 0.5 UNIT OR EQUIV</u>
<b>SIZE OF PROPERTY</b> <u>0.5 +/-</u> <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<b>DISPOSAL SYSTEM TO SERVE</b> <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>3</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	<b>PROPOSED TYPE OF WATER SUPPLY</b> <input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other: _____
<b>SHORELAND ZONING</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
<b>TREATMENT TANK*</b> <input checked="" type="checkbox"/> 1. Concrete <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: <u>*CUSTOM</u> CAPACITY: <u>2,000*</u> GAL. SEE NOTE ON PAGE 3	<b>DISPOSAL FIELD TYPE &amp; SIZE</b> <input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. Cluster array <input checked="" type="checkbox"/> c.Linear <input type="checkbox"/> b. Regular <input type="checkbox"/> d. H-20 loaded <input type="checkbox"/> 4. Other: _____ SIZE: <u>176</u> <input checked="" type="checkbox"/> sq. ft. <input type="checkbox"/> lin. ft. 4 STANDARD CAPACITY PLASTIC CHAMBER UNITS	<b>GARBAGE DISPOSAL UNIT</b> <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a.Multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c.Increase in tank capacity <input checked="" type="checkbox"/> d.Filter on tank outlet	<b>DESIGN FLOW</b> <u>270</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1.Table 4A (dwelling unit(s)) <input type="checkbox"/> 2.Table 4C (other facilities) SHOW CALCULATIONS for other facilities  <b>2 OR 3 BEDROOMS AT 90 GALLONS PER DAY EACH</b> <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER-METER DATA <b>LATITUDE AND LONGITUDE</b> at center of disposal area Lat. <u>N43</u> d <u>46</u> m <u>13.64</u> s Lon. <u>W69</u> d <u>56</u> m <u>32.34</u> s If g.p.e., state margin of error _____
<b>SOIL DATA &amp; DESIGN CLASS</b> PROFILE <u>2</u> / <u>AIII/D</u> at Observation Hole # <u>TP 1</u> Depth <u>14</u> " of Most Limiting Soil Factor	<b>DISPOSAL FIELD SIZING</b> <input type="checkbox"/> 1. Medium - 2.6 sq.ft./gpd <input checked="" type="checkbox"/> 2. Medium-Large - 3.3 sq.ft./gpd <input type="checkbox"/> 3. Large - 4.1 sq.ft./gpd <input type="checkbox"/> 4. Extra-Large - 5.0 sq.ft./gpd	<b>EFFLUENT/EJECTOR PUMP</b> <input type="checkbox"/> 1. Not required <input checked="" type="checkbox"/> 2. May be required <input type="checkbox"/> 3. Required Specify only for engineered systems: SEE NOTE ON PAGE 3 DOSE: _____ gallons	

SITE EVALUATOR STATEMENT		
I certify that on <u>6/20/18</u> (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241)		
 Site Evaluator Signature	<u>352</u> SE #	<u>7/13/18</u> Date
<u>BRADY A. FRICK</u> Site Evaluator Name Printed	<u>(207) 839-5563</u> Telephone Number	<u>BRADY@ALBERTFRICK.COM</u> E-mail Address
ALBERT FRICK ASSOCIATES - 380B MAIN STREET, GORHAM, MAINE 04038 - (207) 839-5563 Note: Changes to or deviations from the design should be confirmed with the Site Evaluator		



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services  
Division of Environmental Health  
(207) 287-2070 FAX (207) 287-4172

Town, City, Plantation  
**HARPSWELL**

Street, Road Subdivision  
**LONG POINT ROAD**

Owner's Name  
**RYAN NESBIT**

**\*\*ALBERT FRICK ASSOCIATES ARE NOT SURVEYORS\*\***  
PROPERTY INFORMATION APPROXIMATED  
PER TOWN TAX MAP AND AERIAL PHOTOGRAPH  
VERIFY PROPERTY LINES TO ASSURE ACCURATE  
LOCATION PRIOR TO SYSTEM INSTALLATION

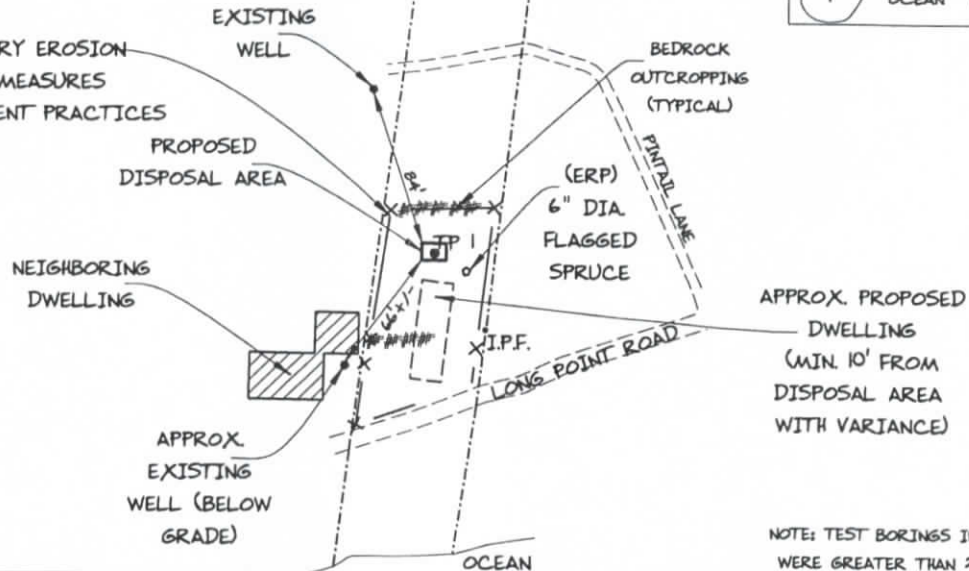
SITE PLAN

Scale 1" = 100 Ft.  
or as shown

SITE LOCATION PLAN  
(Attach Map from Maine  
Atlas Recommended)



NOTE: PROVIDE TEMPORARY EROSION  
AND SEDIMENT CONTROL MEASURES  
PER D.E.P. BEST MANAGEMENT PRACTICES



NOTE: TEST BORINGS IN ALL 4 CORNERS  
WERE GREATER THAN 24" TO BEDROCK

## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 1 ☒ Test Pit ☐ Boring  
" Depth of Organic Horizon Above Mineral Soil

0	Texture	Consistency	Color	Mottling
	SANDY		DARK BROWN	
	LOAM		DARK	
10		FRIABLE	YELLOW BROWN	
			LIGHT OLIVE BROWN	FEW, DISTINCT
20			OLIVE BROWN	COMMON, DISTINCT
30				
40	REFUSAL IN LARGE ROCK OR BEDROCK			
50				

Soil Classification **2 AIII/D** Slope **0-3 %** Limiting Factor **14"**  
Profile Condition  
☒ Ground Water  
☐ Restrictive Layer  
☐ Bedrock  
☐ Pit Depth

Observation Hole          ☐ Test Pit ☐ Boring  
" Depth of Organic Horizon Above Mineral Soil

0	Texture	Consistency	Color	Mottling
10				
20				
30				
40				
50				

Soil Classification          Slope          % Limiting Factor         "  
Profile Condition           
☐ Ground Water  
☐ Restrictive Layer  
☐ Bedrock  
☐ Pit Depth

Site Evaluator Signature

352  
SE

Date

Page 2 of 3  
HHE-200 Rev. 02/11



# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

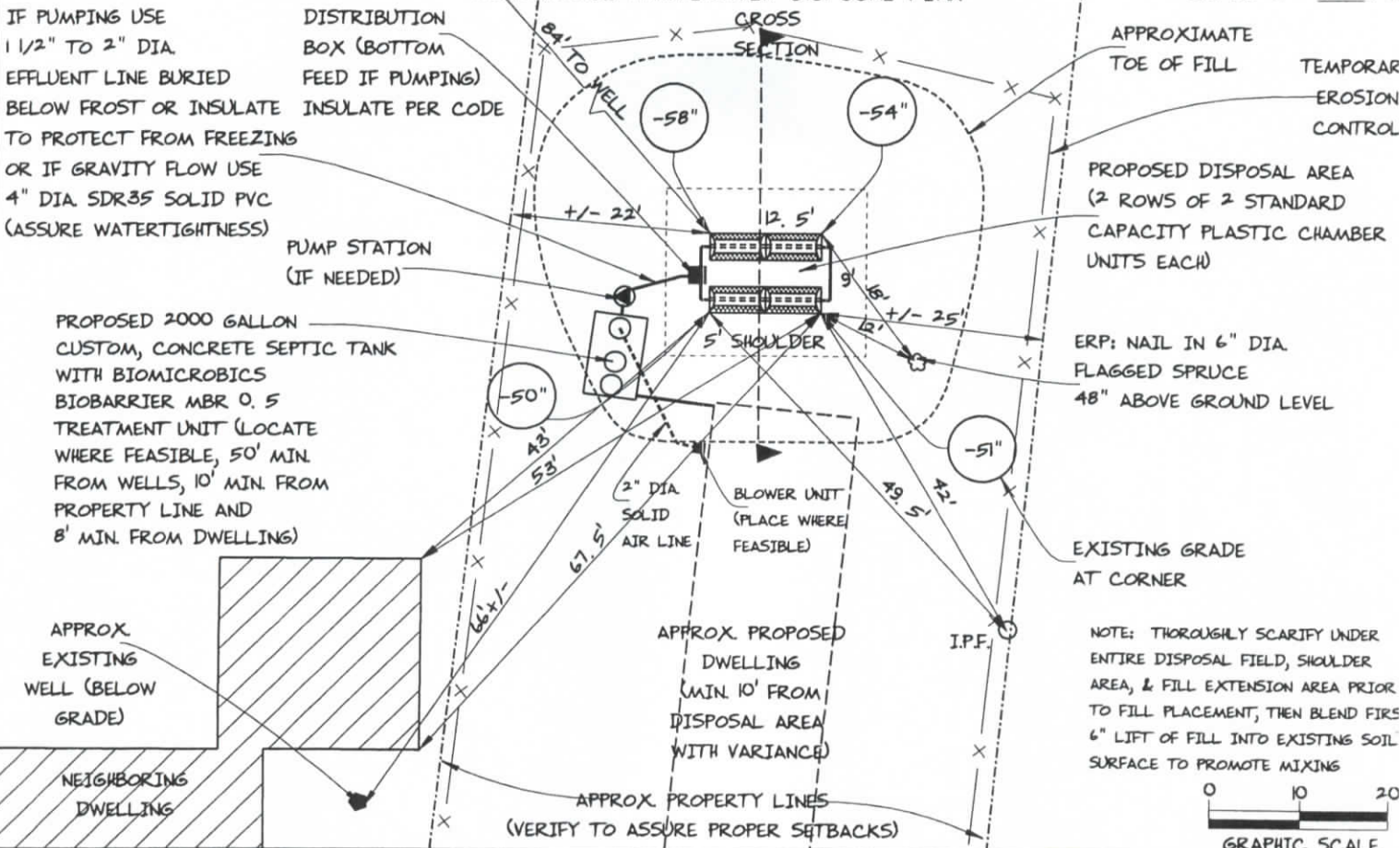
Department of Health and Human Services  
Division of Environmental Health  
(207) 287-2070 FAX (207) 287-4172

Town, City, Plantation  
**HARPSWELL**

Street, Road, Subdivision  
**LONG POINT ROAD**

Owner's Name  
**RYAN NESBIT**

SCALE 1" = 20' FT



## FILL REQUIREMENTS

Depth of Fill (Upslope) : 36" - 40"  
Depth of Fill (Downslope) : 32" - 33"  
DEPTHS AT CROSS-SECTION (shown below)

## CONSTRUCTION ELEVATIONS

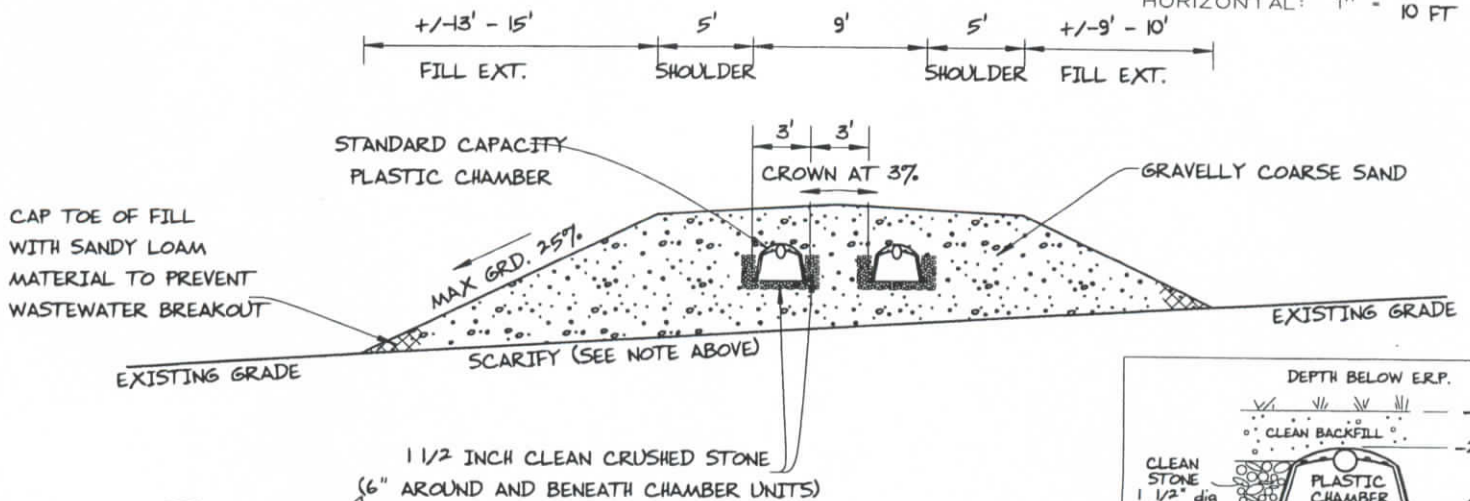
Finished Grade Elevation  
Top of Distribution Pipe or Proprietary Device  
Bottom of Disposal Area

SEE  
DETAIL  
BELOW

## ELEVATION REFERENCE POINT

Location & Description 6" DIA. FLAGGED SPRUCE, NAIL 48" ABOVE BASE  
Reference Elevation is: 0.0' or -----

## DISPOSAL AREA CROSS SECTION



Site Evaluator Signature

352  
SE \*

Date

ALBERT FRICK ASSOCIATES - 380B MAIN STREET; GORHAM, MAINE 04038 - (207) 839-5563

Page 3 of 3  
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Albert Frick Associates, Inc.  
Soil Scientists & Site Evaluators  
380-B Main Street Gorham, Maine 04038  
(207) 839-5563

HARPSWELL

LONG POINT ROAD

RYAN NESBIT

TOWN

LOCATION

APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Division of Health and Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and Minimum Lot Size law) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank. Risers and covers should be installed over the septic tank outlet per the "Rules" to allow for easy maintenance of filter.

5) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years.

The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion to within 6" of a finished ground surface.

Vehicular traffic over disposal system is prohibited unless specifically designed with H-20 rated components.



HARPSWELL	LONG POINT ROAD	RYAN NESBIT
TOWN	LOCATION	APPLICANT'S NAME
<p>7) The actual waste water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed</p> <p>8) The general minimum setbacks between a well (public or private) and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.</p> <p>9) When a gravity system is proposed: BEFORE CONSTRUCTION/INSTALLATION BEGINS, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum pitch requirements. In gravity systems, the invert of the septic tank(s) outlet(s) should be at least 4 inches above the invert of the distribution box outlet at the disposal area.</p> <p>10) <u>When an effluent pump is required:</u> Pump stations should be sized per manufacturer's specifications to meet lift requirements and friction loss. Provisions shall be made to make certain that surface and ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and lid at or above grade. An alarm device warning of a pump failure shall be installed. Also, when pumping is required of a chamber system, install a 'T' connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing.</p> <p>11) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. Additional fill beyond indicated on plan may be necessary to replace organic matter. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling or scarifying with teeth of backhoe to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential settling). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off proprietary devices. Divert the surface water away from the disposal area by ditching or shallow landscape swales.</p> <p>12) Unless noted otherwise, fill shall be gravelly coarse sand, which contains no more than 5% fines (silt and clay). Crushed stone shall be clean and free of any rock dust from the crushing process.</p> <p>13) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface.</p> <p>14) Seed all filled and disturbed surfaces with perennial grass seed, with 4" min. soil or soil amendment mix suitable for growing, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover system. Woody trees or shrubs are not permitted on the disposal area or fill extensions.</p> <p>15) If an advanced wastewater treatment unit is part of the design, the system shall be operated and maintained per manufacturer's specifications.</p>		



**Albert Frick Associates, Inc.**  
 Soil Scientists & Site Evaluators  
 380B Main Street Gorham, Maine 04038  
 (207) 870-2222



# Fill Estimation Worksheet

Albert Frick Associates Inc.

308B Main Street

Gorham, Me 04038

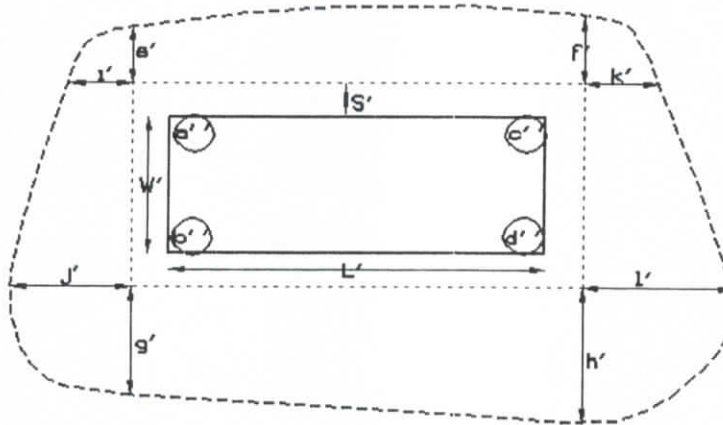
839-5563 FAX - 839-5564

E-Mail - Brady@albertfrick.Com

www.albertfrick.com

Town: Harpswell  
Project owner/applicant: Ryan Nesbit  
Long Point Road  
Harpswell, Maine

This worksheet is being provided as a complimentary tool to assist in estimating the **approximate** amount of fill required to construct the proposed system. This worksheet does not substitute for a personal visit to the site for your own estimate. These calculations are intended to serve as a check to your work. Site features beyond the model (terrain) can vary to affect model projections. Unless specified, this does NOT account for the removing and replacing of uncontrolled fill material beneath proposed system



Length (L)	<u>12.50</u> feet
Width (W)	<u>9</u> feet
Shoulder (S)	<u>5</u> feet
<u>Depth of fill:</u>	
upper left (a)	<u>32</u> inches
upper right (c)	<u>33</u> inches
lower left (b)	<u>36</u> inches
lower right (d)	<u>40</u> inches
<u>Fill Extension:</u>	
left up (e)	<u>9</u> feet
right up (f)	<u>10</u> feet
left down (g)	<u>13</u> feet
right down (h)	<u>15</u> feet
upper left (i)	<u>9</u> feet
lower left (j)	<u>13</u> feet
upper right (k)	<u>10</u> feet
lower right (l)	<u>15</u> feet
Cost of fill per yard= \$ 0.00	

Body	47 cubic yards
Fill Down	19 cubic yards
Fill Up	11 cubic yards
Fill left	11 cubic yards
Fill right	14 cubic yards
Fill upleft	3 cubic yards
Fill upright	3 cubic yards
Fill dwnleft	5 cubic yards
Fill dwnright	8 cubic yards

SubTotal=	121 cubic yards
Shrinkage %=	15 %
Total Backfill	139 cubic yards

Adjusted cost of Total  
Backfill=

\$ -



## **BioBarrier MBR Treatment Unit**

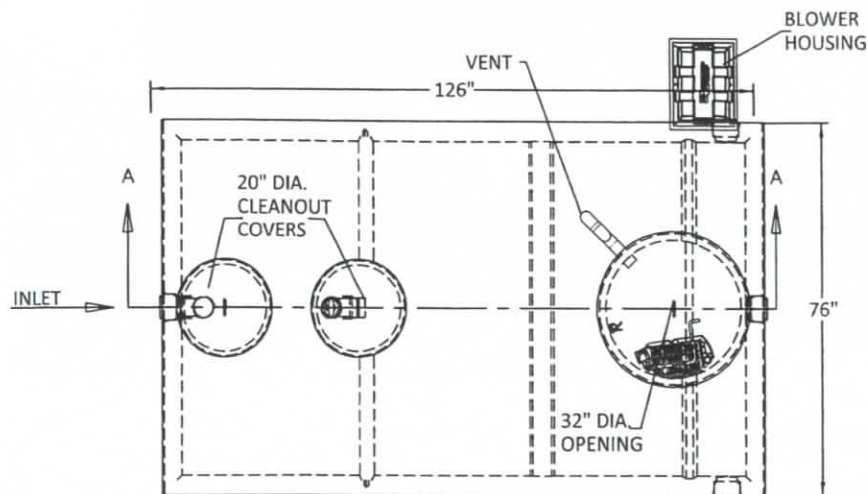
### **Professional Disclosure**

Professional ethics require disclosure that *Albert Frick Associates, Inc.* receives revenue from the sale of a BioBarrier MBR Wastewater Treatment Unit. Our company is authorized to sell the Bio-Microbics products through J & R Sales & Service, Inc., who is an authorized reseller for Bio-Microbics, the manufacturer of BioBarrier MBR Wastewater Treatment Units.

It is the opinion of *Albert Frick Associates, Inc.*, that the BioBarrier MBR Treatment Units have advantages over other treatment units in some situations. Based on our review of the Bio-Microbics products we believe that they have a proven track record and are quality products.

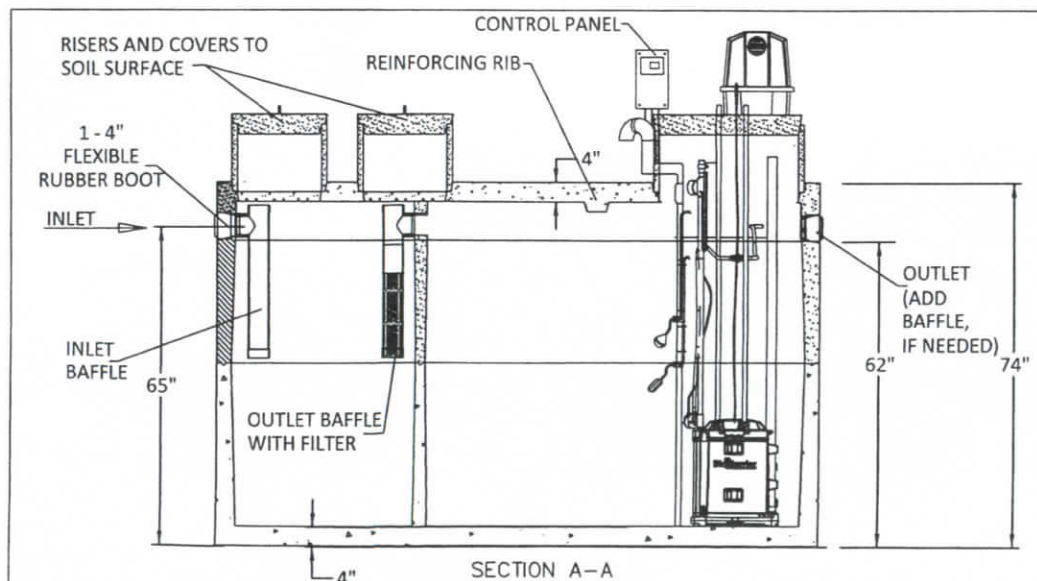
*Albert Frick Associates Inc.* is first and foremost an environmental consulting firm which strives to provide sound and objective advice regarding wastewater design, and permitting based on the site specific needs of our clients. To avoid the appearance of a conflict of interest, any BioBarrier MBR Treatment Unit that is specified on a HHE-200 Application provided by *Albert Frick Associates, Inc.* may be substituted with an equivalent advanced wastewater treatment unit produced by a different manufacturer, per the State of Maine Subsurface Wastewater Disposal Rules.





#### NOTES

1. Blower piping to BioBarrier® MBR® may not exceed 40 FT [12 m] total length and use 4 elbows maximum per train. For distances greater than 40 FT [12 m] - consult factory. Blowers must be located above flood/standing water levels on concrete bases 26" X 20" X 2" [65 X 50 X 5cm] minimum.
2. Run vent(s) to desired location above finish grade and cover opening(s) with vent grate(s) w/at least 12 sq in. [77 sq. cm] of total open surface area. Secure with stainless steel screws. Vent piping must not allow excess moisture build up or back pressure.
3. All appurtenances to BioBarrier® (e.g. tank pump outs, etc.) must conform to all country, state, province, and local plumbing and electrical codes.
4. The BioBarrier® MBR® control systems are provided by Bio-Microbics, Inc.
5. The primary compartments may be a separate tank.
6. The baffle separating the settling and the treatment chambers shall be sealed to the top of the tank, as shown on the drawing. Ventilation for the settling zone shall be provided for in the same manner as a traditional septic tank.
7. All inspection, viewing, access, and pump out ports must be secured, to prevent accidental or unauthorized access.
8. Tank, anchors, piping, conduit, blower housing pads and vents are provided by others.
9. All piping and ancillary equipment installed after BioBarrier® MBR®, must not impede or restrict filtrate pump.
10. BioBarrier® MBR® assemblies must be secured to the tanks to prevent movement or floatation (see Installation Instructions for details).
11. If less than any of the specified minimums is considered necessary, consult factory for guidance.



TANK CAPACITY GALS.  
500/1500

#### SEPTIC TANK and BIOMICROBICS MBR 0.5 UNIT INTERNAL MOUNT



Albert Frick Associates, Inc.  
Gorham, Maine 04038  
phone 207-839-5563  
fax 207-839-5564  
brady@albertfrick.com

Date:	Revision	Description	Drawn By:	Checked By:
			B.J.	Brady Frick
			Date: 2/21/17	Scale: NO SCALE





Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
286 Water Street  
# 11 State House Station  
Augusta, Maine 04333-0011  
Tel: (207) 287-5672  
Fax: (207) 287-4172; TTY: 1-800-606-0215

## SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

### GENERAL INFORMATION

Town of Harpwell

Property Owner's Name: Ryan Nesbit Tel. No.: 254-9466

System's Location: Long Point Road, Harpswell

Property Owner's Address: 332 Gibbs Road, Wiscasset ME Zip Code 04575

e-mail address: \_\_\_\_\_

The subsurface wastewater disposal system design for the subject property requires a ☐ replacement system variance ☒ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☐ local approval ☒ local and state approval.

### SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)

#### SECTION OF RULE

1. To allow a system less than 15" to limiting factor within Shoreland Zone

7

2. 66' +/- & 84' to existing wells

7

3. 10' to proposed dwelling with full foundation

7

### SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

System design utilizes advanced tertiary treatment to compensate for reduced setbacks.

I, Brady Frick, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

[Signature]  
SIGNATURE OF SITE EVALUATOR

7/13/18  
DATE

### PROPERTY OWNER

I, Jonathan Ryan Nesbit, am the ☐ owner ☒ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

[Signature]  
☐ SIGNATURE OF OWNER  
☒ AGENT FOR THE OWNER

7/31/18  
DATE

The local plumbing inspector shall review all variance requests prior to rendering a decision.

LPI Signature

Date \_\_\_\_\_

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

**LPI Signature**

Date \_\_\_\_\_

SIGNATURE OF THE DEPARTMENT

DATE \_\_\_\_\_

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65



# PLUMBING APPLICATION

Maine DHHS/CDC - Division of Environmental & Community Health

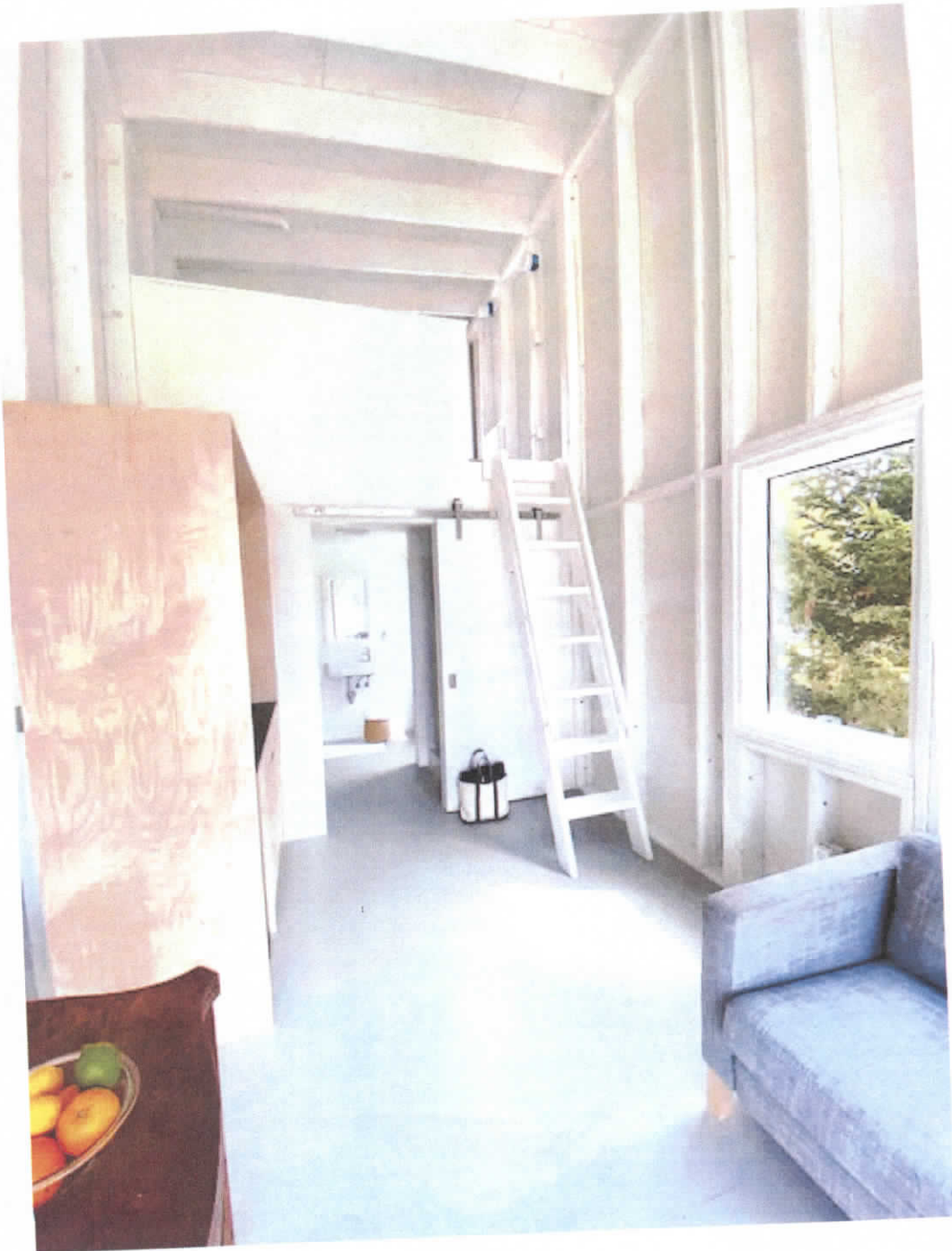
<b>PROPERTY ADDRESS</b>		<b>ISSUING MUNICIPAL OFFICE</b>	
City/Town or Plantation	Harpowell	Town/City	HARPSWELL, ME
Street/Subdivision	45 Long Point Road	Permit #	P19-120
<b>PROPERTY OWNER INFORMATION</b>		Date Issued	8-6-19
Name (Last, First)	Nesbitt, Robert	Local Plumbing Inspector Signature	William J. C. / 1/2
Applicant Name (Last, First)	Pine State Services	License #	0994
<b>OWNER/APPLICANT MAILING ADDRESS</b>		Fees	State \$140 <sup>00</sup> Local \$168 <sup>00</sup>
Street	3 Eisenhower Drive	LOCATION	Map # 37 Lot # 71
City	Westbrook	Internal plumbing fixtures and piping may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
State	ME	Zip Code	04092
<b>OWNER/APPLICANT STATEMENT</b>		<b>CAUTION: INSPECTION REQUIRED</b>	
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.		I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.	
Signature of Owner/Applicant: Samuel Marcisso		LPI Signature: 10/2/19 W	
Date: 8-1-19		Date (Rough-In):	
Copy: Property Owner <input type="checkbox"/> Town <input checked="" type="checkbox"/> State <input type="checkbox"/>		<b>FINAL INSPECTION</b> 2-4-2020	

PERMIT INFORMATION					
This application is for:		Type of structure to be served:		Plumbing to be installed by:	
New Plumbing	<input checked="" type="checkbox"/>	Single Family Residence	<input checked="" type="checkbox"/>	Master Plumber	<input checked="" type="checkbox"/> License # MS2501
Relocated Plumbing	<input type="checkbox"/>	Modular or Mobile Home	<input type="checkbox"/>	Oil Burner Installer	<input type="checkbox"/> License #
		Multiple Family Dwelling	<input type="checkbox"/>	Mfd. Housing Rep	<input type="checkbox"/> License #
		Other (specify below)	<input type="checkbox"/>	Public Utility Rep	<input type="checkbox"/> License #
				Property Owner	<input type="checkbox"/>
Column 1 - Hook-Up & Relocation	Column 2 - Fixtures	Column 3 - Fixtures	State of Maine		
Maximum 1 Hook-Up	Type of Fixture	Qty	Type of Fixture	Qty	Department of Health and Human Services/ Center for Disease Control and Prevention
Hook-Up (a) <input type="checkbox"/>	Hosebib/Sillcock	2	Bathtub (and Shower)		Environmental & Community Health - Subsurface Wastewater 286 Water Street State House Station 11 Augusta, ME 04333 207-287-2070 HHE-211 Revised 7/24/2018
Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district	Floor Drain		Shower (Separate)	2	
	Unnal		Sink	2	
	Drinking Fountain		Wash Basin	2	
Hook-Up (b) <input checked="" type="checkbox"/>	Indirect Waste		Water Closet (Toilet)	2	
Hook-up to an existing subsurface wastewater disposal system	Treatment Softener, Filter, etc.		Clothes Washer	1	
	Grease/Oil Separator		Dishwasher		
Piping Relocation <input type="checkbox"/>	Roof Drain		Garbage Disposal		
Relocation of sanitary lines, drains and piping without new fixtures	Bidet		Laundry Tub		
	Other		Water Heater	2	

Total Column 1 ☐ + Total Column 2 ☐ + Total Column 3 ☐ = Enter Total Fixtures / Hook-Ups Below

Total Fixtures / Hook-Ups	14
Per-Fixture Fee	\$ 12
TOTAL PERMIT FEE	\$ 168

PERMIT TRANSFER ONLY ☐ \$12.00



6/29





## Timothy Clark

---

**From:** carl paine <carlgpaine@yahoo.com>  
**Sent:** Sunday, June 28, 2020 8:17 PM  
**To:** Timothy Clark  
**Subject:** Fred Cantu discussion

Tim,  
Below is a brief summary of the conversation I had with Fred Cantu the code enforcement individual for the town of harpswell. The code enforcement secretary Diana was also present. This meeting took place at the town office shortly after Ryan Nesbitt had received his permit to build 3 structures on the property which abutts my property. I viewed and took pictures which are public record of the permit. My primary questions during this meeting focused on the building labeled Boat House. Which is directly behind my cottage. Fred showed me the permit for the Boat House which has written non occupiable clearly noted. Fred told me this boat house structure could never be occupied by anybody. Ryan or anyone else. And the town would never give Ryan an occupancy permit for this building per the building permit agreement. I also asked Fred and Diana if Ryan had mentioned that he would be using these buildings for rentals. Both said Ryan had never mentioned that he was building these as rental units. Thus is why I can't understand how Ryan has recently on at least 4 occasions rented the non occupiable boat house .  
Let know if there are any additional details you may need.  
Carl